

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
2012 SEP 13 AMH:25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

ROBERT LOUIS DUVALL, Individually)
and on behalf of PATSY DUVALL, Deceased,)
) CIVIL ACTION NO. _____

Plaintiff,)
)
v.)

CARY HANNI, M.D., EVANSVILLE SURGICAL)
ASSOCIATES, INC., and DEACONESS)
HOSPITAL, INC.,)

Defendants.)

3 : 12 -cv- 0143 RLY -WGH

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

COMPLAINT FOR DAMAGES

Comes now Robert Louis Duvall, individually and on behalf of Patsy Duvall, deceased, by counsel, and for his complaint against Cary Hanni, M.D., Evansville Surgical Associates, Inc., and Deaconess Hospital, Inc., states the following:

1. At all relevant times mentioned herein, Robert Louis Duvall and Patsy Duvall were lawfully married.

2. Defendants Cary Hanni, M.D., Evansville Surgical Associates, Inc., and Deaconess Hospital, Inc., are qualified health care providers under Indiana's Medical Malpractice Act.

3. Plaintiff Robert Duvall is a citizen of the State of Illinois. Defendant Cary Hanni, M.D., is a citizen of the State of Indiana. Defendants Evansville Surgical Associates, Inc., and Deaconess Hospital, Inc., are corporations incorporated under the laws of Indiana with their respective principal place of business in the state of Indiana. The amount in controversy, without interests and costs, exceeds the sum or value specified by 28 U.S.C. §1332.

4. Pursuant to Indiana's Medical Malpractice Act, Robert Louis Duvall filed his Proposed Complaint for Damages on August 12, 2008, and received the medical review panel opinion on July 16, 2012. A copy of the opinions as to these defendants is attached as Exhibit A.

5. At all relevant times mentioned herein, a patient relationship existed between Patsy Duvall and Cary Hanni, M.D.; Evansville Surgical Associates, Inc., by its agents and employees; and Deaconess Hospital, Inc., by its agents and employees, respectively.

6. On or about December 21, 2006, Patsy Duvall was admitted to Deaconess Hospital, Inc., and received surgical and post-operative care provided by Cary Hanni, M.D.; Evansville Surgical Associates, Inc., by its agents and employees; and Deaconess Hospital, Inc., by its agents and employees, respectively.

7. The medical and surgical care provided to Patsy Duvall by Cary Hanni, M.D.; Evansville Surgical Associates, Inc., by its agents and employees; and Deaconess Hospital, by its agents and employees, and each of them, was substandard

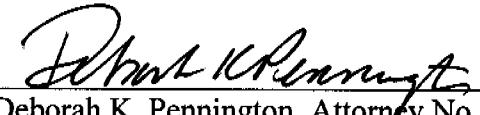
8. As a direct and proximate result of the substandard care provided by Cary Hanni, M.D.; Evansville Surgical Associates, Inc., by its agents and employees; and Deaconess Hospital, Inc., by its agents and employees, and each of them, Patsy Duvall died on or about February 26, 2007 at the age of 65.

9. As a direct and proximate result of the substandard care of Cary Hanni, M.D.; Evansville Surgical Associates, Inc., by its agents and employees; and Deaconess Hospital, Inc., by its agents and employees; and each of them, Robert Louis Duvall incurred hospital, medical, funeral and burial expenses on behalf of his wife; incurred attorneys fees and litigation costs; and suffered emotional distress and the loss of love and companionship of his wife.

WHEREFORE, Robert Duvall, individually and on behalf of Patsy Duvall, deceased, by counsel, prays for damages against the defendants, and each of them, in an amount which will fully and fairly compensate for these losses, the costs of this action, trial by jury, and all other relief just and proper in the premises.

Respectfully submitted,

GARAU GERMANO HANLEY & PENNINGTON, P.C.


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